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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/063,968 | 05/30/2002 | Timothy G. Deboer | CA920010035US1 | 4051 |
| 877 | 7590 | 07/14/2005 | EXAMINER | |
| IBM CORPORATION, T.J. WATSON RESEARCH CENTER P.O. BOX 218 YORKTOWN HEIGHTS, NY 10598 | | | NGUYEN, VAN KIM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2151 | |

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,968

Applicant(s)

DEBOER ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2002.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-39 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/03/02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 35-39 are rejected under 35 U.S.C. 101 because claim 35 is a single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph.

In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claims 36-39 are dependent on claim 35, and thus rejected under the same basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 9, 11, 13, 22, 24, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al (US 6,061,692).

Regarding claims 1, 13, and 24, as shown in Figures 1-15, Thomas discloses a method for generating server configuration data for configuring a server, comprising:

receiving raw server configuration data (configuration metadata or content metadata) and server instance data (content metadata or application metadata), (col. 14: lines 29-49), the raw server configuration data comprising a configuration token (e.g., metabase keys 122, 124, 126, 128, 130: Fig. 4; col. 14: line 66 – col. 15: line 22), and the server instance data comprising one or more instance tokens (e.g., keys 140, 142, 144: Fig. 4, and 146; col. 15: lines 35-45), each of the one or more instance tokens associated with an instance value (property, attribute); and

generating server configuration data from the received raw server and server instance data, wherein the server configuration data comprises merging the raw server configuration data and the server instance data (e.g., appropriate configuration information/properties/attributes are retrieved and merged to create and return appropriate response; col. 17: line 15 – col. 18: line 67).

Regarding claims 2, 14, and 25, Thomas also discloses:

copying the raw server configuration data (configuration metadata) to form the server configuration data (content metadata); and wherein the configuration token in the server configuration data is replaced by a value associated with a selected token from the server instance data, the selected token corresponding to the configuration token (e.g., appropriate configuration information/properties/attributes retrieved and merged to create and return appropriate response; col. 17: line 15 – col. 18: line 67).

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Regarding claims 3, 15, and 26, Thomas also discloses identifying in the raw server configuration data (e.g., configuration metadata) and the server instance data (e.g., application metadata) corresponding configuration (e.g., metabase keys) and server instance tokens (e.g., keys); (col. 14: line 29 – col. 15: line 59).

Regarding claims 4-5, 16-17, and 27-28, Thomas also discloses:

locating in the server instance data (application metadata), server instance tokens (keys);
and

for each server instance token (key) located, assessing if the server instance token located comprises a token associated with a configuration parameter; and if the server instance token located comprises a token associated with a configuration parameter, determining if the raw server configuration data (configuration metadata) includes a corresponding configuration token (metabase key); (e.g., evaluate, accessing, and retrieving corresponding configuration information; col. 14: line 29 – col. 15: line 59).

Regarding claims 6, 18, and 29, as shown in Figures 2-3, Thomas also discloses transmitting the server configuration data to a remote computer system (e.g., response to request for configuration data is transmitted to client; col. 1: lines 40-43; and col. 10: line 21 – 45).

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Regarding claims 7-8, 19-20, and 30-31, Thomas also discloses providing the raw server configuration data (e.g., 178) as server operation parameters and the server instance data (e.g., 180) as server processing or server environment parameters (col. 17: line 35 – col. 20: line 28).

Regarding claims 10, 21, and 32, Thomas also discloses providing the raw server configuration data (e.g., 178) as one or more data files (e.g., 180, 182, 184) and the server instance data (e.g., 180) as one or more data files (e.g., 186, 188, etc.), (col. 17: line 35 – col. 20: line 28).

Regarding claims 12, 23, and 34, Thomas also discloses starting (initialized) a server on a computer system employing the server configuration data (col. 29: lines 39-43).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER